

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF THE PAINTERS UNION  
DEPOSIT FUND,  
a voluntary unincorporated trust,

Plaintiffs,

CASE NUMBER: 10-10365  
HONORABLE VICTORIA A. ROBERTS

v.

G.P. FINE FINISH DRYWALL, INC.,  
a Michigan corporation, and GARY PLATER,  
individually, jointly and severally,

Defendants.

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**ORDER STRIKING DEFENDANTS' ANSWER, AND  
GRANTING CONTINUANCE TO RETAIN LICENSED COUNSEL**

Plaintiffs sued Defendants for failing to pay employee fringe benefit contributions, in violation of the Labor-Management Relations Act of 1947, 29 U.S.C. § 141 et seq., the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq., and the Michigan Builders Contract Fund Act, Mich. Comp. Laws § 570.151 et seq. On March 10, 2010, Defendants filed their Answer to Plaintiffs' Complaint, signed by Defendant Gary Plater (Dkt. #11). The Answer states: "Defendant does not have an attorney at this time, due to unavailable funds."

Although an individual has a statutory right to represent himself in federal court even if he is not a lawyer, 28 U.S.C. § 1654, a corporation may be represented only by licensed counsel. This rule that a corporation may be represented only by licensed counsel is based not just on a tradition that goes back to the common law, *Brandstein v. White Lamps, Inc.*, 20 F. Supp. 369 (S.D.N.Y.1937), but also on the practical consideration that "[since] a corporation can appear only through its agents, they must be acceptable to the court; attorneys at law, who have been admitted to practice, are officers of the court and subject to its control." *Id.*

*In re Victor Publ'rs, Inc.*, 545 F.2d 285, 286 (1st Cir. 1976) (citing *Commercial & R.R. Bank v. Slocomb*, 39 U.S. 60, 65 (1840); *Osborn v. Bank of United States*, 22 U.S. 738, 830 (1824); *United States v. 9.19 Acres of Land*, 416 F.2d 1244, 1245 (6th Cir. 1969); *Shapiro, Bernstein & Co. v. Continental Record Co.*, 386 F.2d 426 (2d Cir. 1967); *Simbrow, Inc. v. United States*, 367 F.2d 373 (3d Cir. 1966); *Flora Constr. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962), *cert. denied*, 371 U.S. 950 (1963), *reh'g denied*, 373 U.S. 919 (1963)) (other citations omitted).

Since Defendants cannot proceed without an attorney, the Court **STRIKES** their Answer as improperly filed. Nevertheless, district courts in such situations must grant reasonable continuances in order to give corporate defendants adequate time to retain counsel. *9.19 Acres of Land*, 416 F.2d at 1245. Therefore, the Court gives Defendants 30 days, until **April 15, 2010**, to retain proper counsel.

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: March 15, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Gary Plater by electronic means or U.S. Mail on March 15, 2010.

s/Carol A. Pinegar  
Deputy Clerk